

IN THE 4
United States
Circuit Court of Appeals
For the Ninth Circuit

MOULTON MINING COMPANY (a corporation),
CLARK-MONTANA REALTY COMPANY (a corporation),
ELM ORLU MINING COMPANY (a corporation), and J. ROSS CLARK,

Appellants,

vs.

ANACONDA COPPER MINING COMPANY (a corporation),

Appellee.

APPEAL FROM UNITED STATES DISTRICT
COURT FOR DISTRICT OF MONTANA.

APPENDIX TO BRIEF FOR APPELLEE
CONTAINING DIAGRAMS

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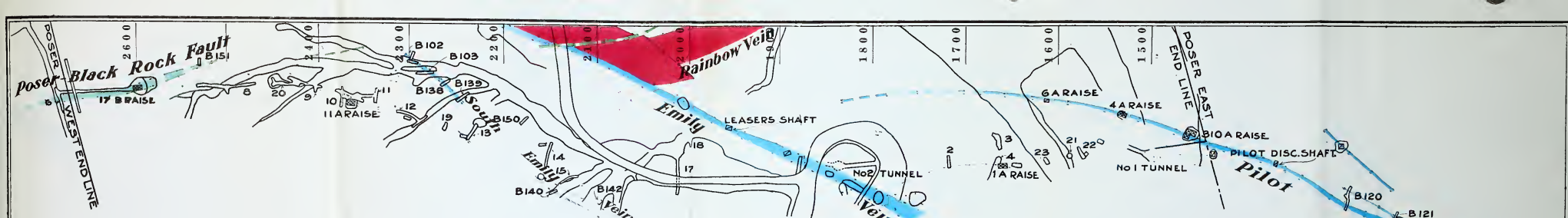


INDEX TO DIAGRAMS.

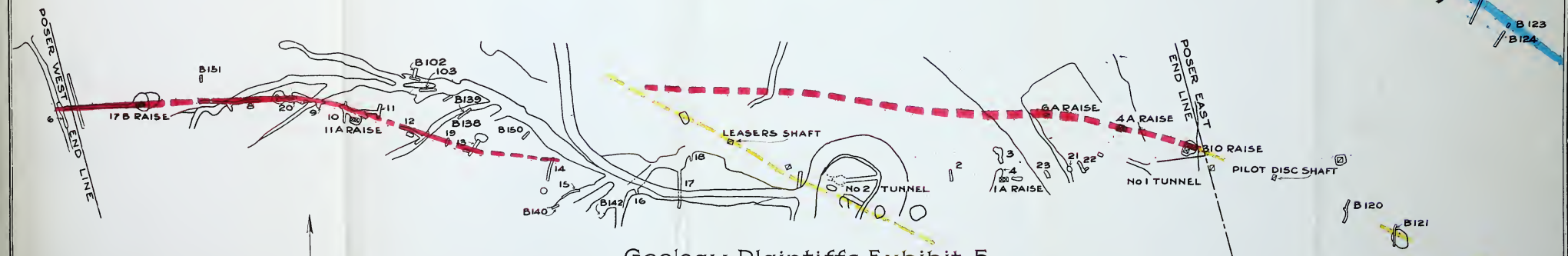
i

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Geology Defendants Exhibit 92

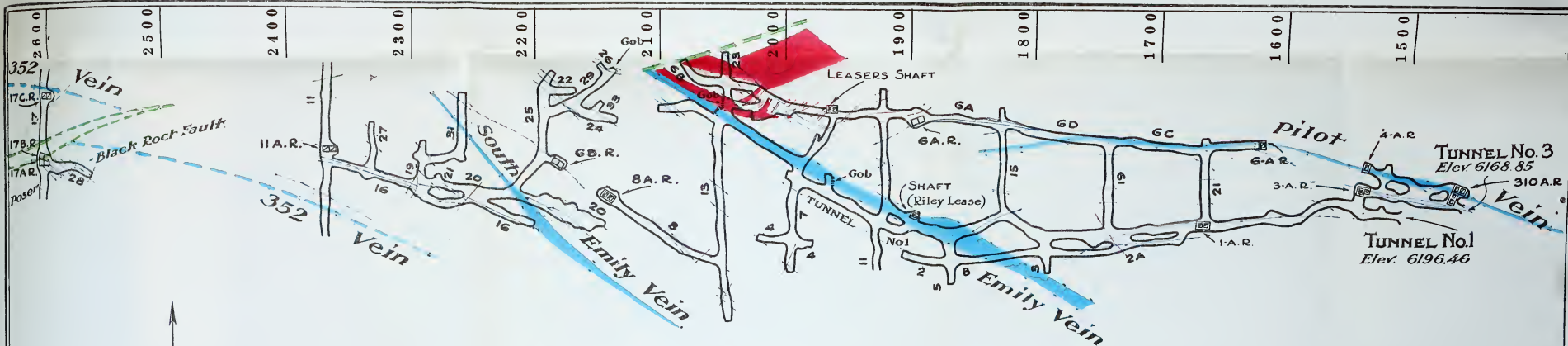


Geology Plaintiffs Exhibit 5

SURFACE

Scale in Feet
0 20 40 60 80 100



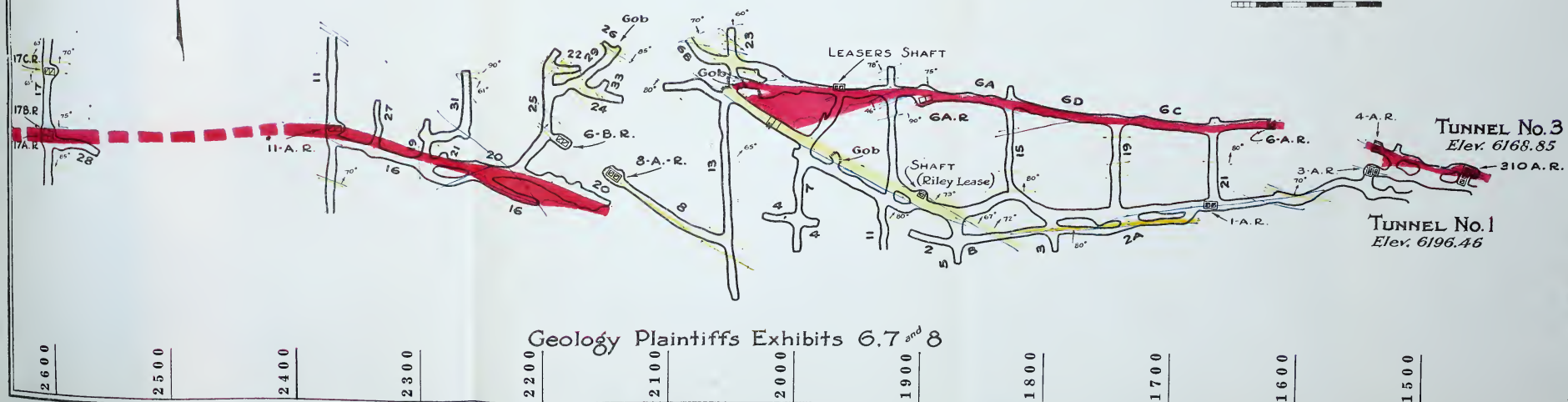



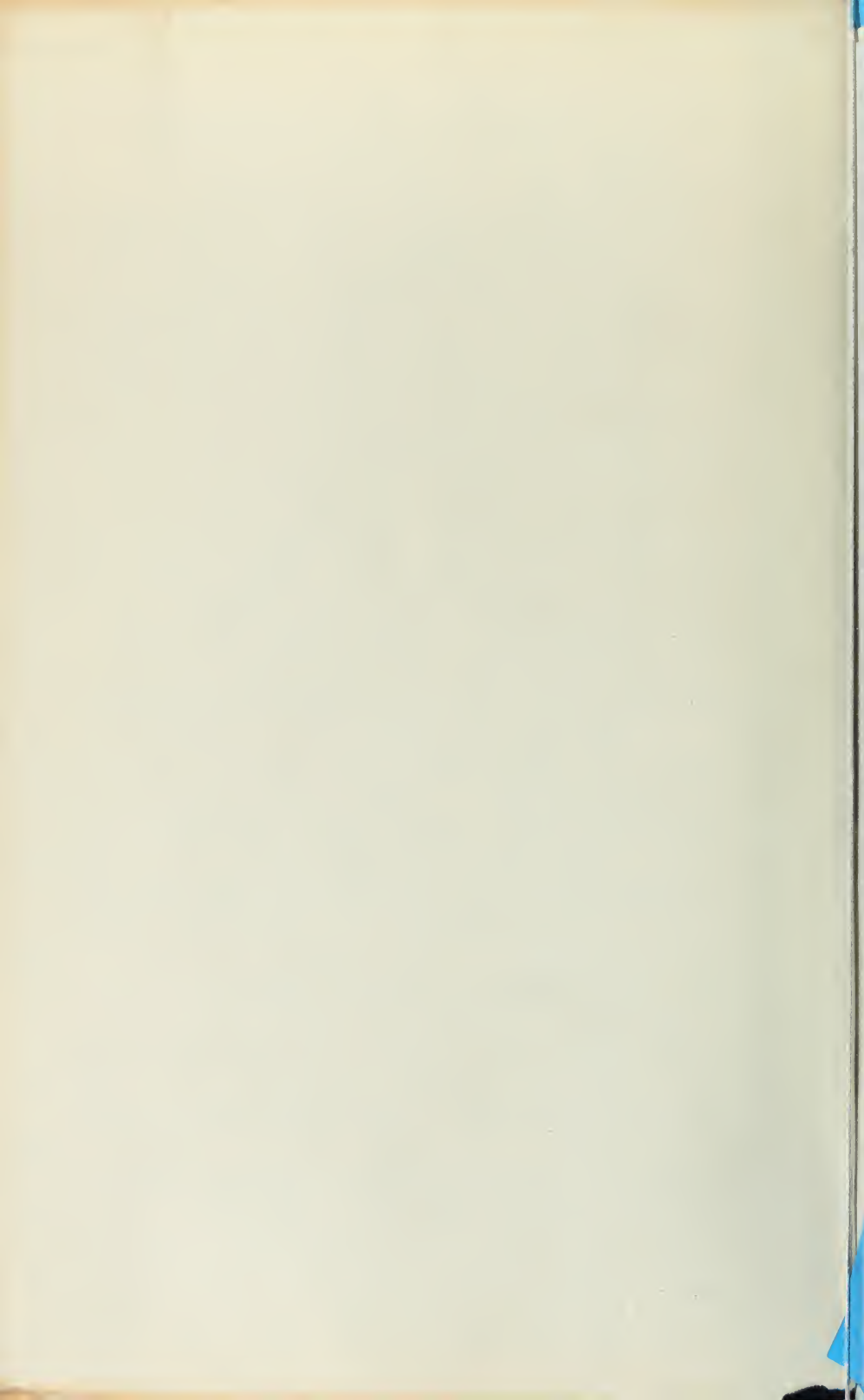
Geology Defendants Exhibit 93

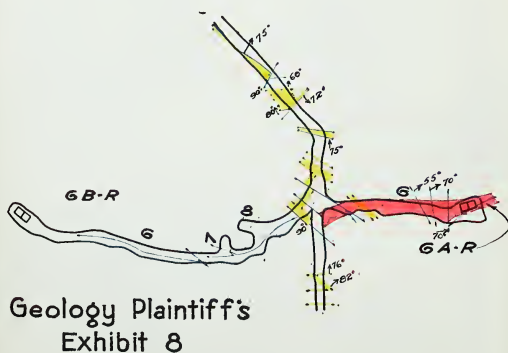
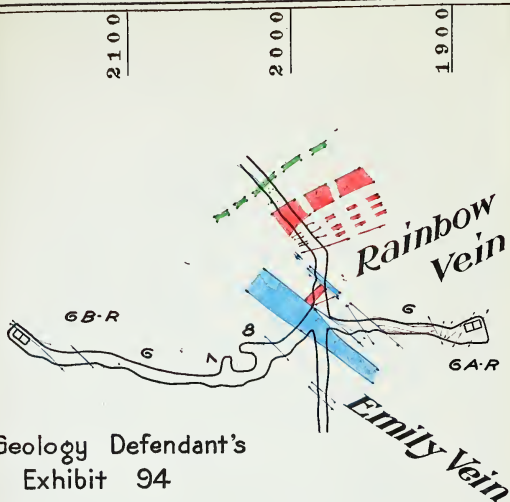
TUNNEL LEVELS

Scale In Feet

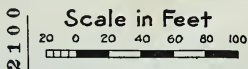
20 0 20 40 60 80 100

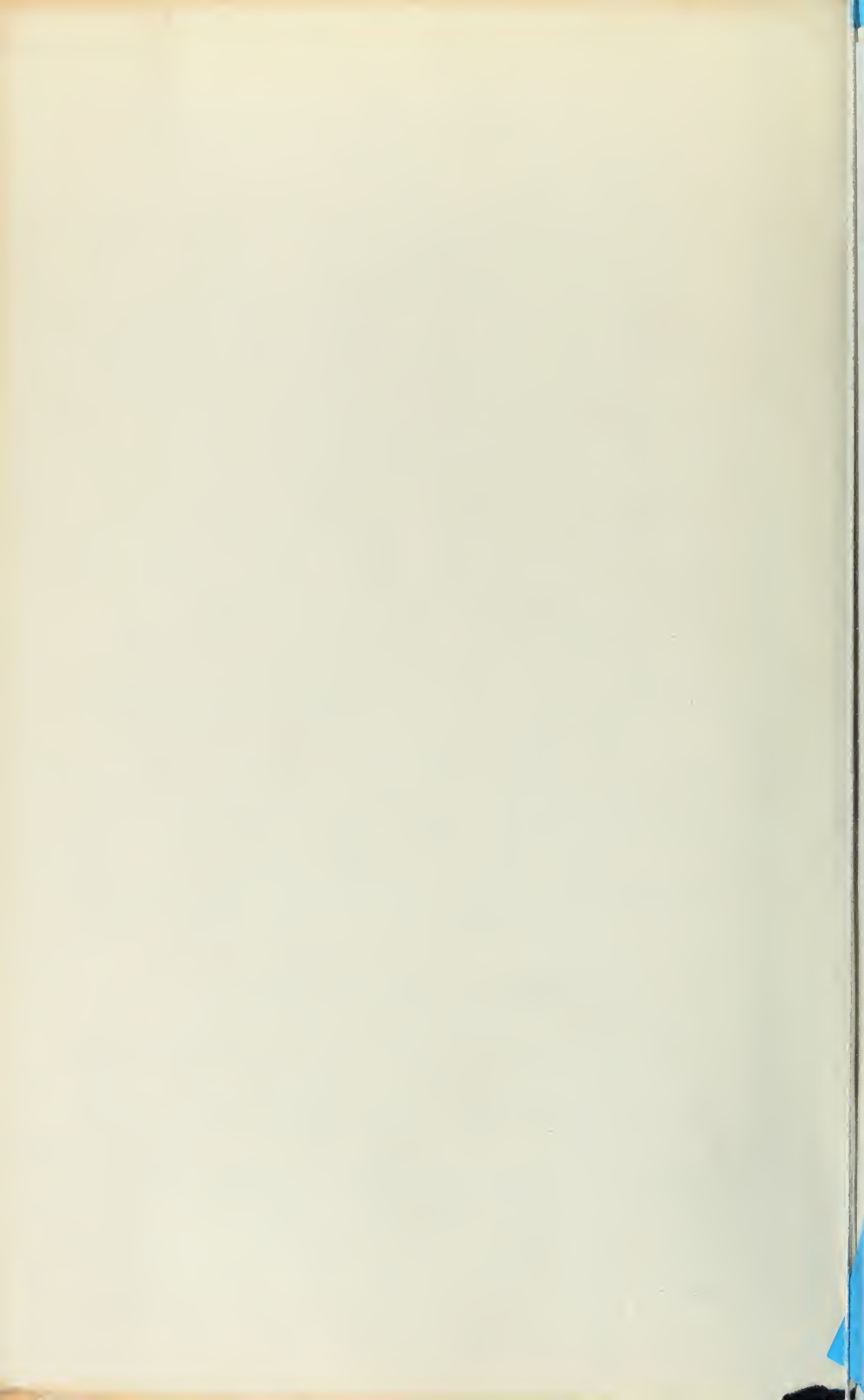


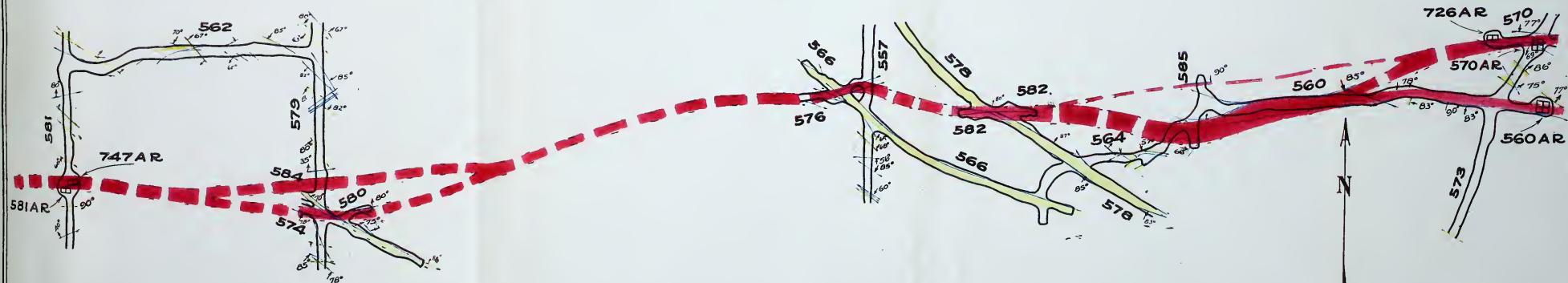




POSER 167

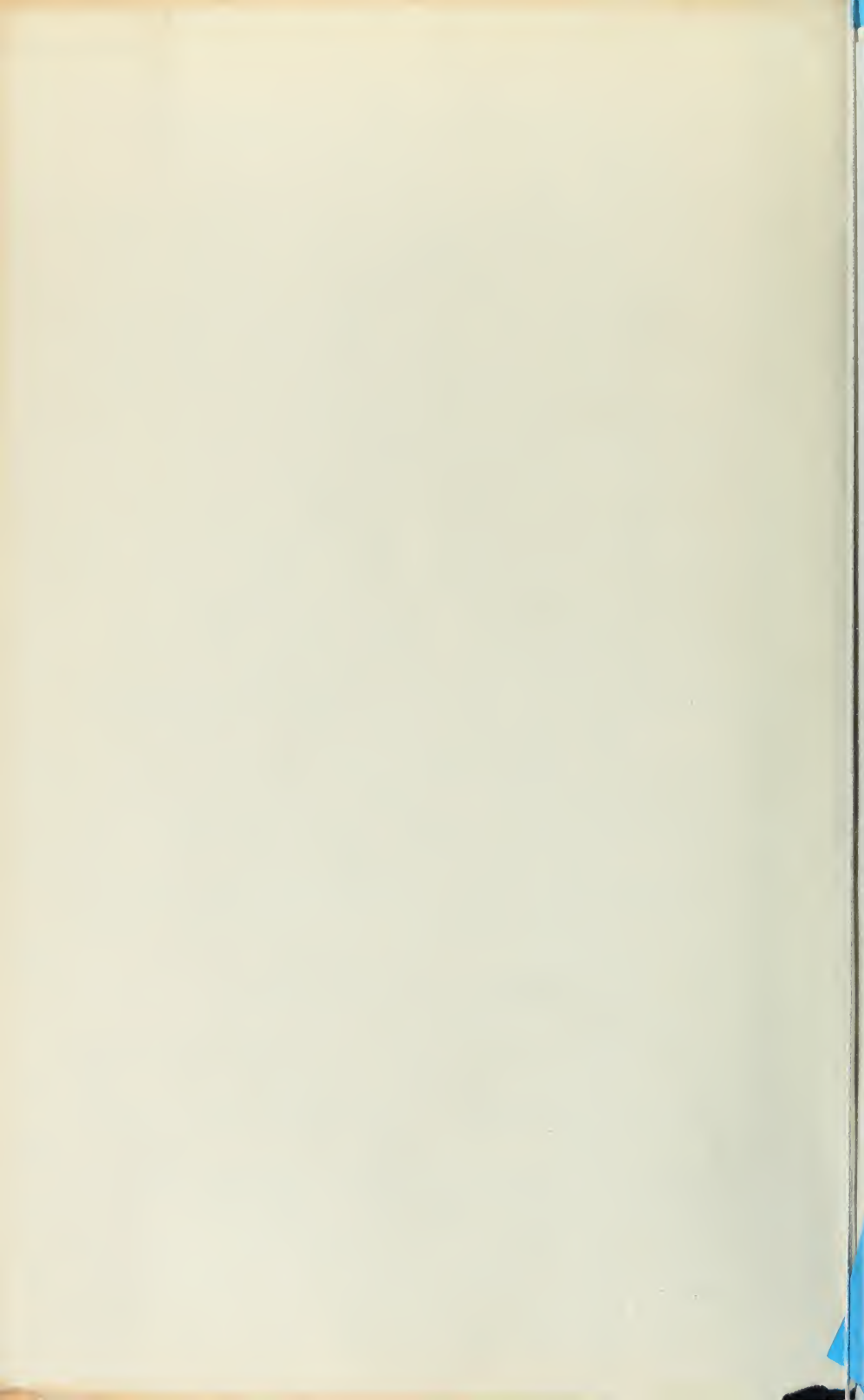


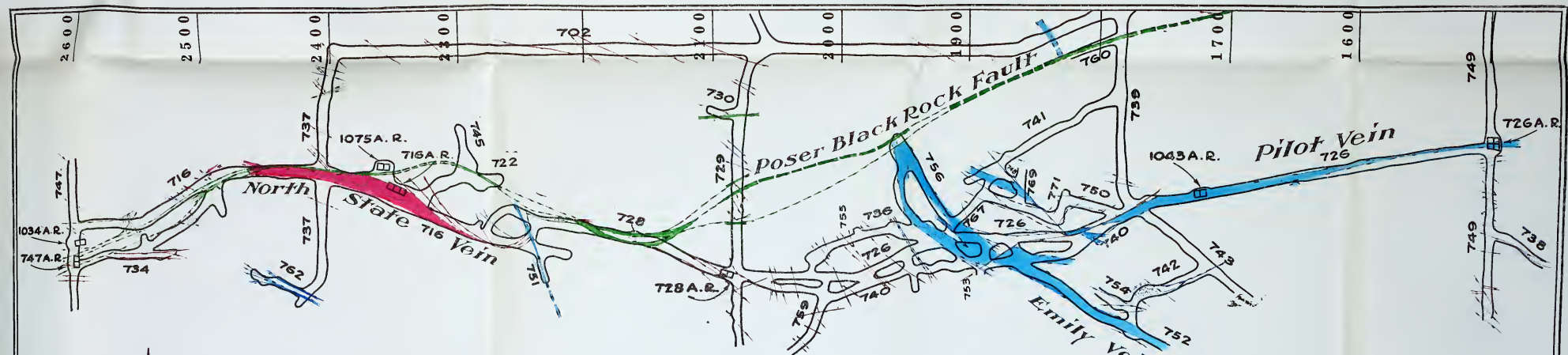




ELM ORLU 500

Scale in Feet

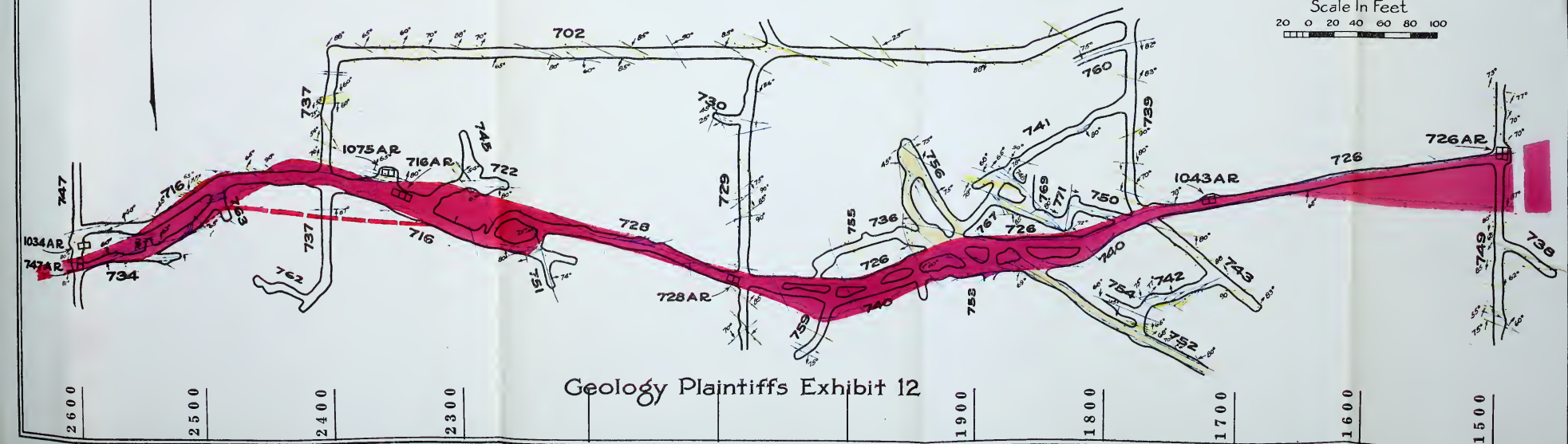




Geology Defendants Exhibit 98

ELM ORLU 700

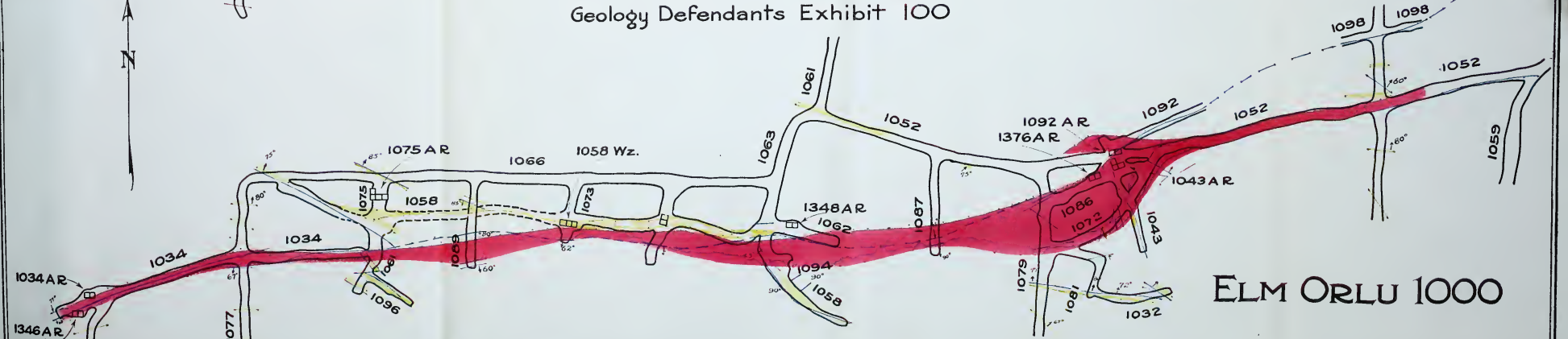
Scale In Feet
20 0 20 40 60 80 100



Geology Plaintiffs Exhibit 12

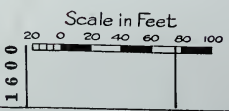


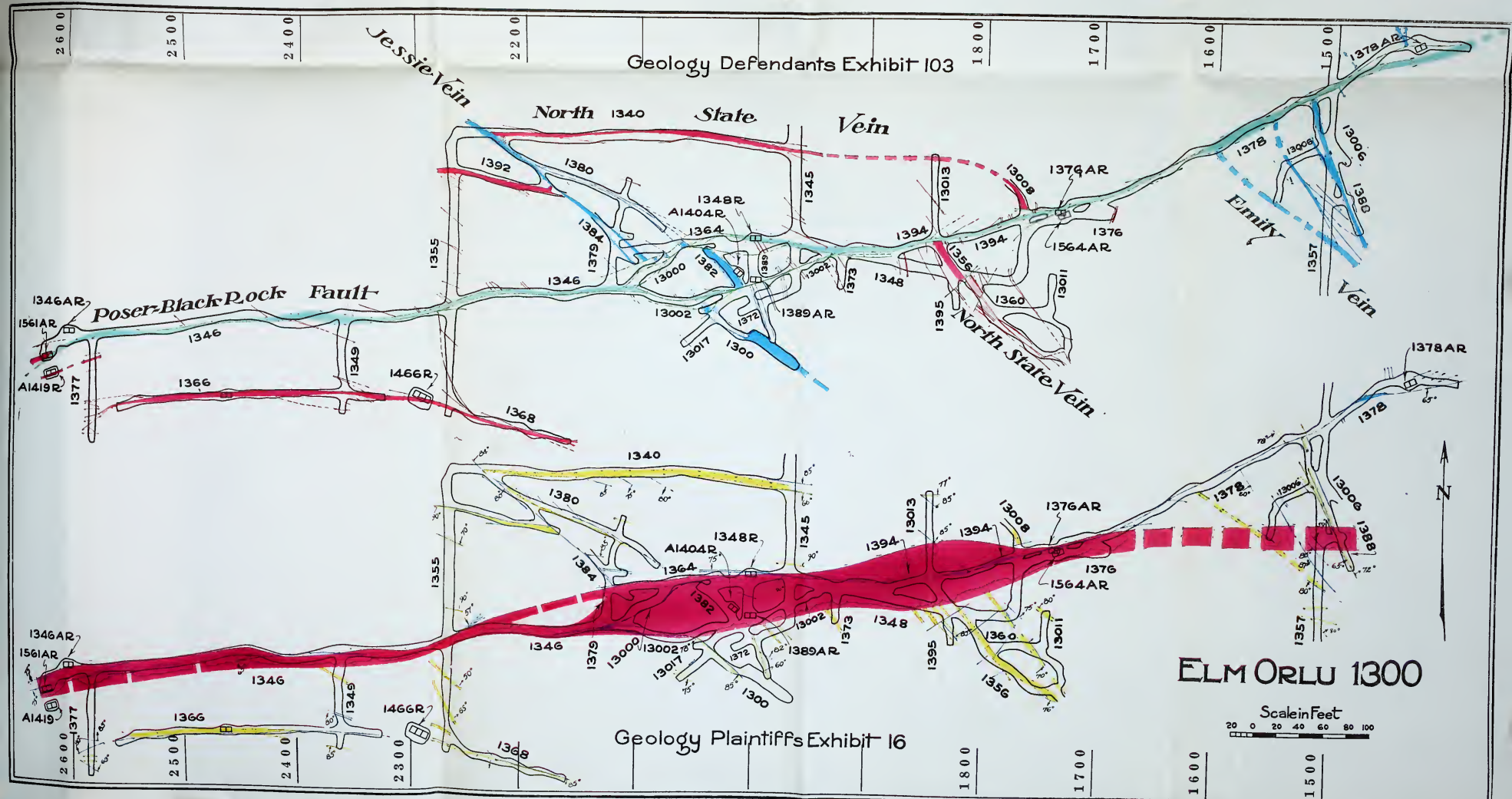
Geology Defendants Exhibit 100

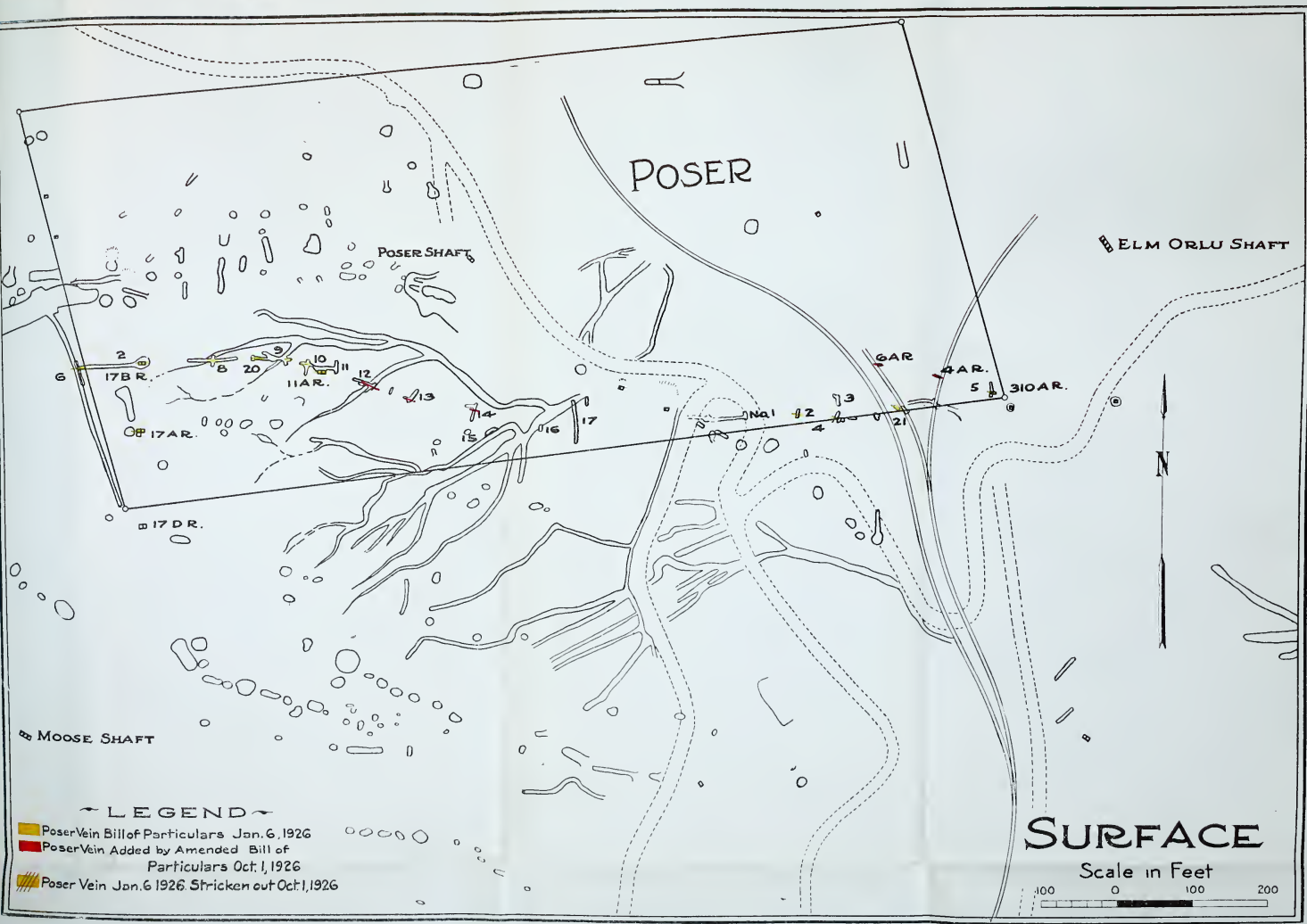


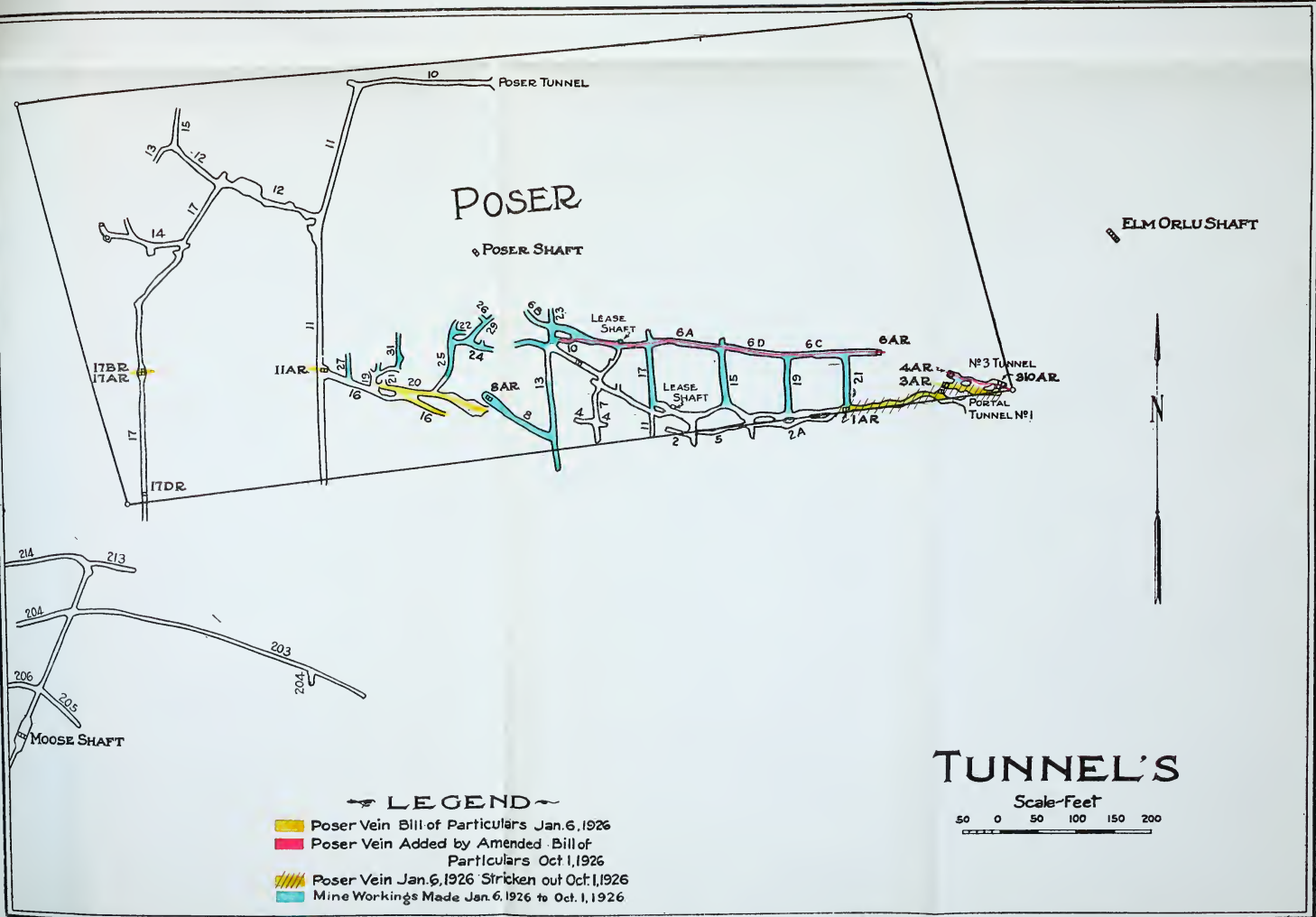
Geology Plaintiffs Exhibit 14

ELM ORLU 1000





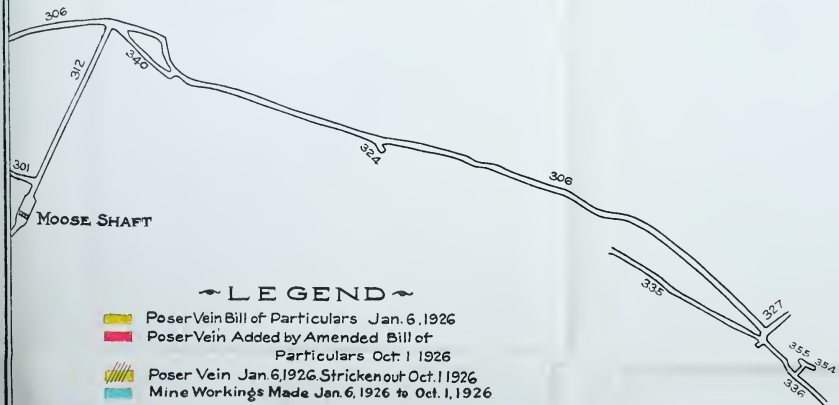




POSER



ELM ORLU SHAFT



~ LEGEND ~

- Poser Vein Bill of Particulars Jan. 6, 1926
- Poser Vein Added by Amended Bill of Particulars Oct. 1, 1926
- Poser Vein Jan. 6, 1926 Stricken out Oct. 1, 1926
- Mine Workings Made Jan. 6, 1926 to Oct. 1, 1926

POSER 167 FT. LEVEL

Scale-Feet
50 0 50 100 150 200

~ LEGEND ~

- Poser Vein Bill of Particulars Jan. 6, 1926
- Poser Vein Added by Amended Bill of Particulars Oct. 1, 1926
- Poser Vein Jan. 6, 1926. Stricken out Oct. 1, 1926
- Mine Workings Made Jan. 6, 1926 to Oct. 1, 1926

POSER

ELM ORLU
SHAFT



MOOSE SHAFT

EMILY SHAFT

BADGER 2000

Scale - Feet
0 50 100 150 200

~LEGEND~

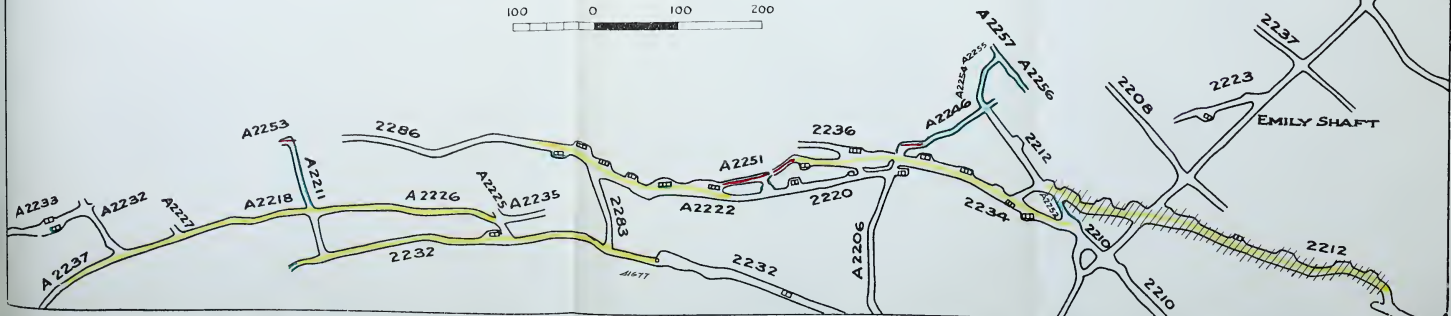
- Poser Vein Bill of Particulars Jan. 6, 1926
- Poser Vein Added by Amended Bill of Particulars Oct. 1, 1926
- Poser Vein Jan. 6, 1926. Stricken out Oct. 1, 1926
- Mine Workings Made Jan. 6, 1926 to Oct. 1, 1926

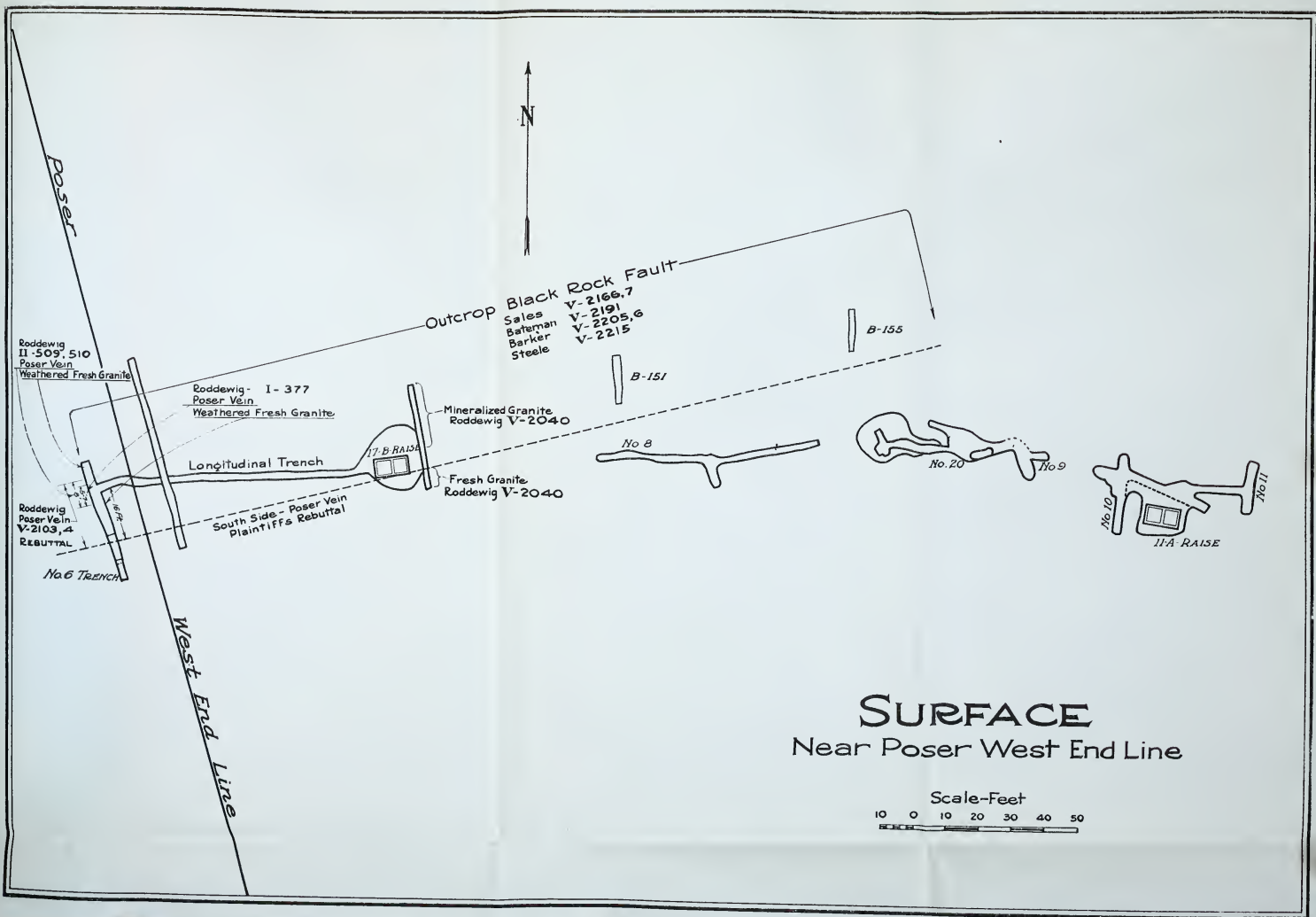
POSER

ELM ORLU SHAFT

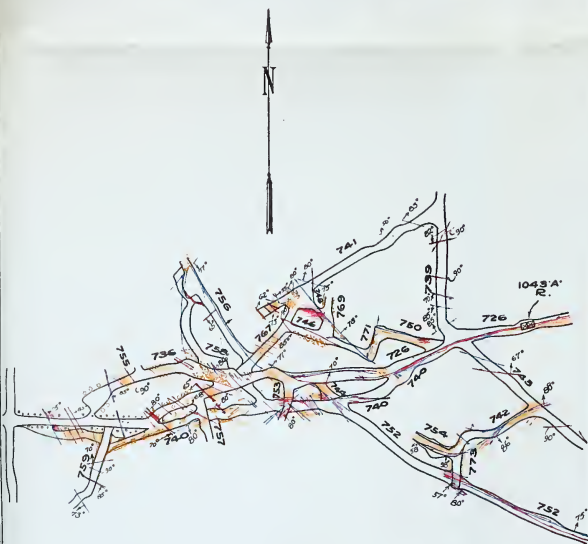
BADGER 2200

Scale in Feet





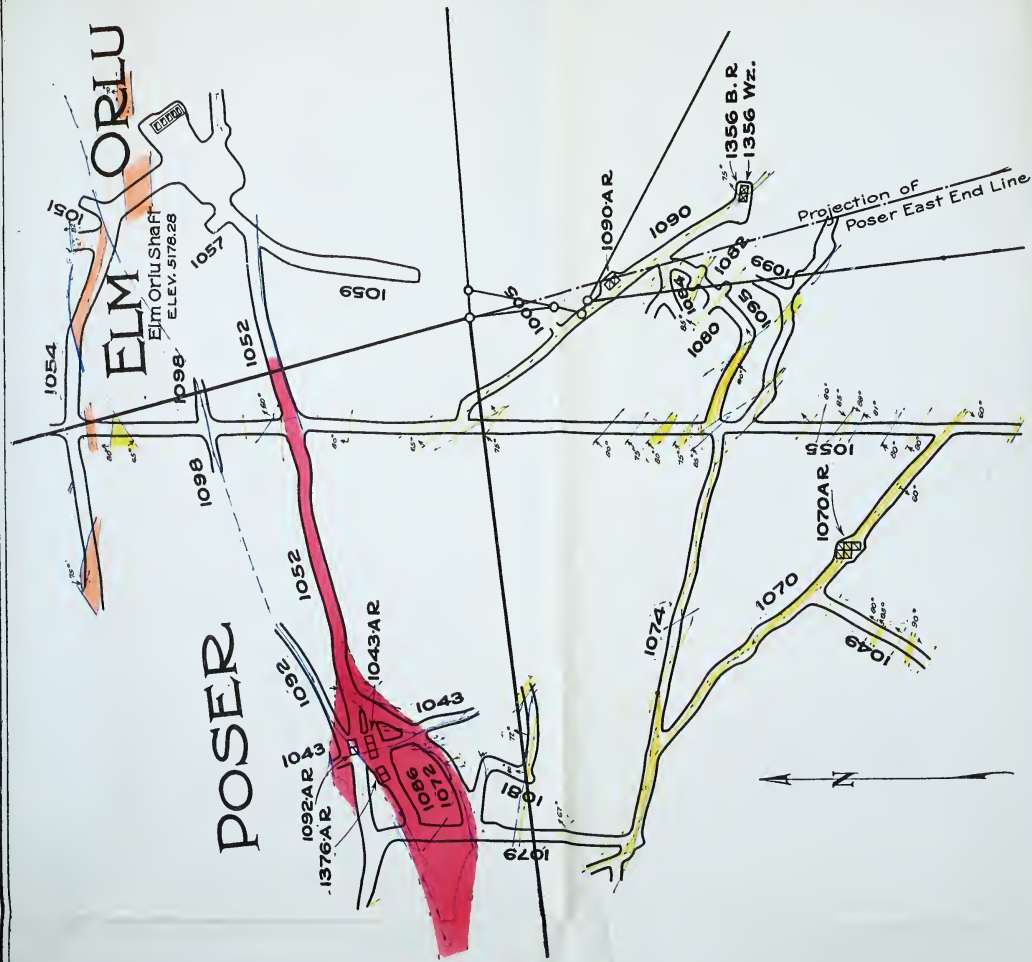
SURFACE
Near Poser West End Line



Mead's notes, representing his observations underground, it is submitted, show fully as much mineralization in 736 drift outside the walls of the Poser as is shown within. An examination of these notes demonstrates that there is no east-west structure and no Poser vein walls or boundaries are shown. The walls of the vein were shown by testimony but not by observations underground. (Compare with appellants' geology Diagram E.)

POSER 700 **Defendant's Exhibit 54** **Mead's Notes in Vicinity of** **740-726-736.**

Scale - Feet.
 0 10 20 40 60 80 100



"At the Eastern end there has been no attempt made to follow the vein downward along the end line, because in that section there were no ore bodies that could be involved in this action to be reached."

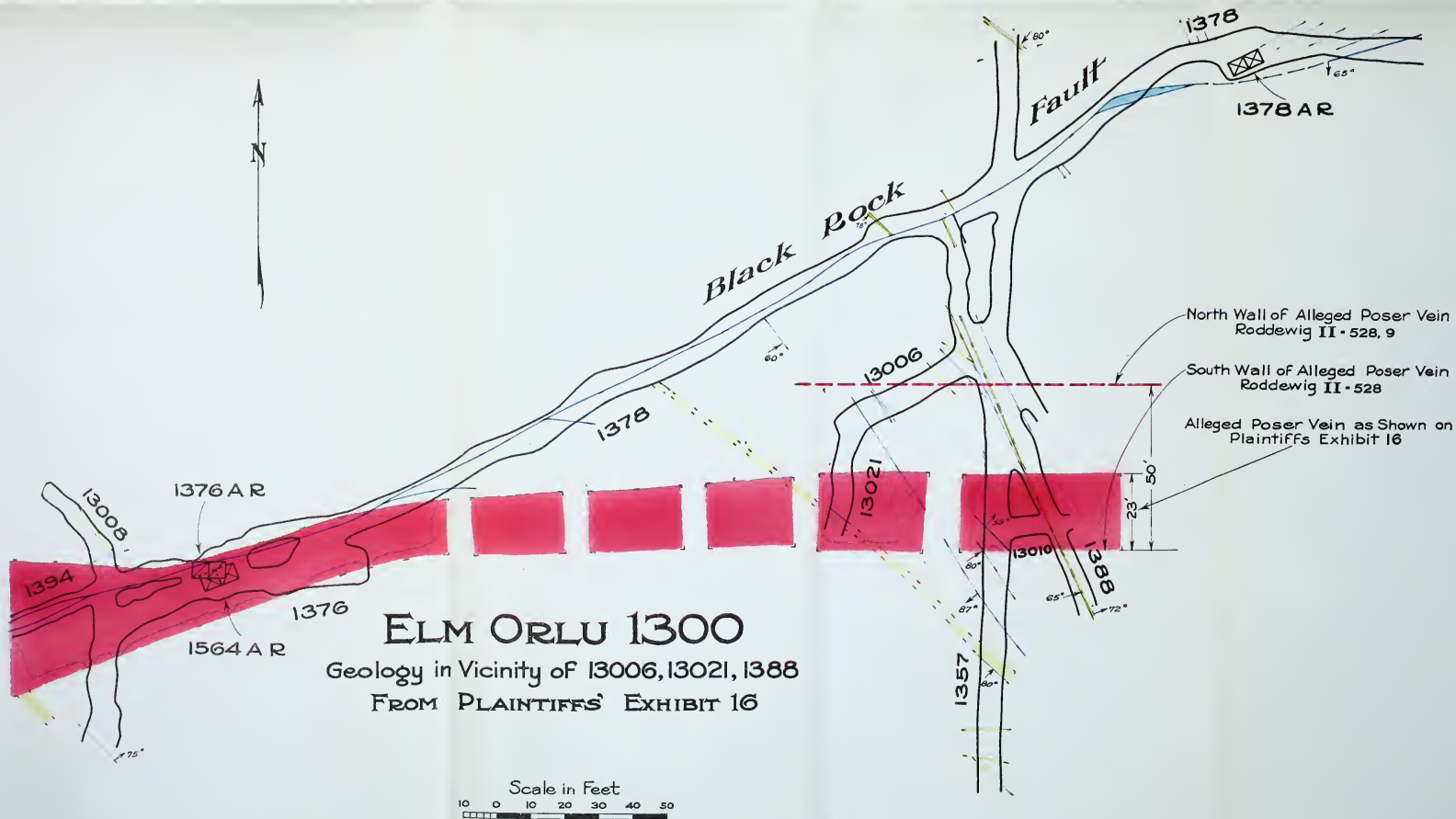
Burch, I-148

1000 ELM ORLU EAST OF 1376 A.R.

Showing attempted development of Poser Vein
near the Poser East end line

Scale in Feet
0 20 40 60 80 100

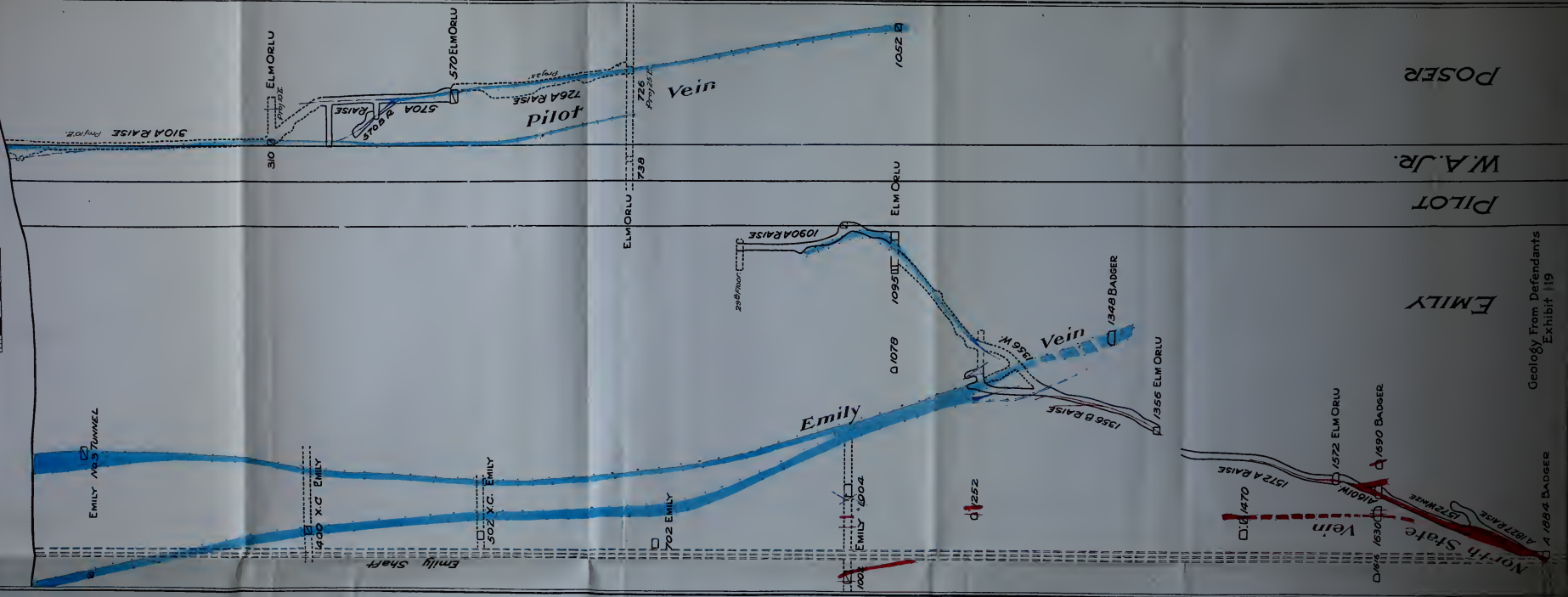
Geology From Plaintiffs Exhibit 14



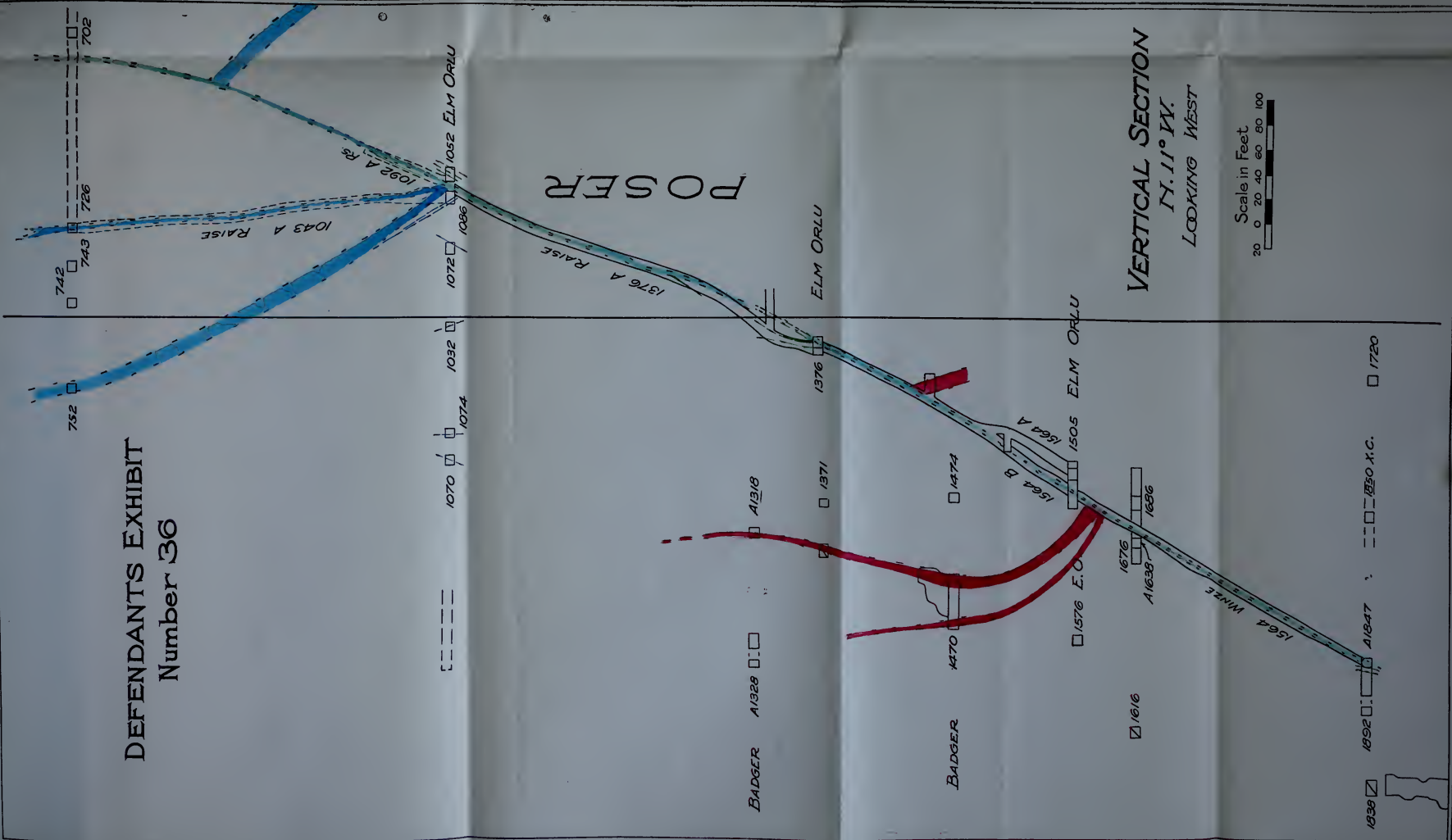
SECTION THRU
POSER EAST END LINE PLANE

Looking West

Scale in Feet
20 0 20 40 60 80 100



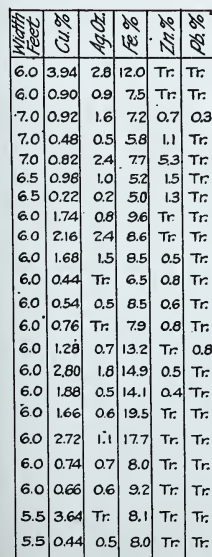
DEFENDANTS EXHIBIT Number 36



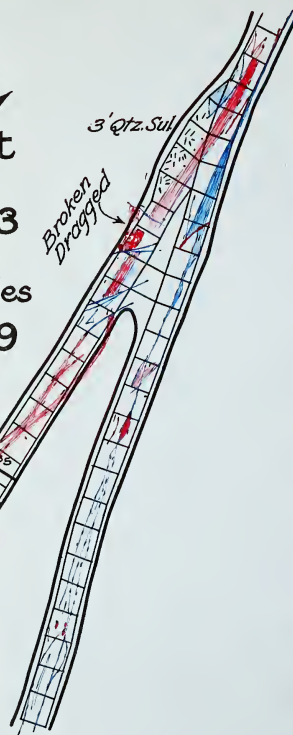
VERTICAL SECTION
N. 11° W.
LOOKING WEST

Scale in Feet
0 20 40 60 80 100

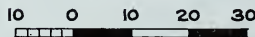
Locations, Widths & Assays of Samples From Plaintiffs' Exhibit 59

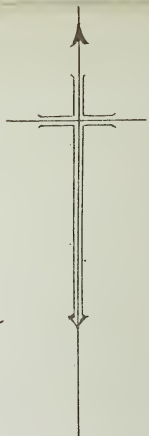


Widths of Samples taken by Plaintiffs

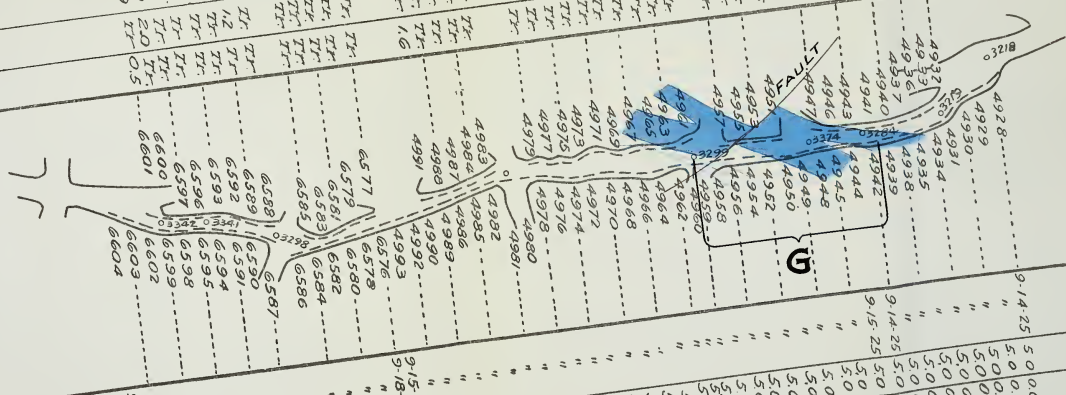


Scale in Feet





Date	Width Feet	Cu%	Ag Oz	Fe%	Zn%	Pb%
9-14-25	5.0	0.08	TT	3.0	TT	TT
"	5.0	0.06	0.2	2.7	TT	TT
"	5.0	0.10	0.2	3.4	TT	TT
"	5.0	0.20	0.2	3.5	TT	TT
"	5.0	0.08	0.5	4.5	TT	TT
9-14-25	5.0	0.08	TT	4.4	1.3	TT
9-15-25	5.0	0.08	0.5	4.5	TT	TT
"	5.0	0.22	1.0	4.1	4.2	0.5
"	5.0	0.05	0.5	4.1	TT	TT
"	5.0	0.08	TT	3.8	TT	TT
"	5.0	0.10	1.2	3.6	TT	TT
"	5.0	1.70	11.0	3.9	1.5	TT
"	5.0	1.52	9.3	3.6	1.0	TT
"	5.0	0.48	1.5	5.3	TT	TT
"	5.0	0.40	TT	3.9	TT	TT
"	5.0	0.18	0.9	4.8	TT	TT
"	5.0	0.12	1.0	4.1	TT	TT
"	5.0	0.06	0.5	4.0	TT	TT
"	5.0	0.16	1.8	5.0	4.0	TT
"	5.0	0.10	TT	3.9	TT	TT
9-15-25	5.0	0.32	TT	3.2	TT	TT
"	5.0	0.28	TT	3.5	TT	TT
"	5.0	0.18	TT	3.9	TT	TT
"	5.0	0.34	TT	3.7	TT	TT
9-18-25	5.0	0.40	TT	3.8	TT	1.6
"	5.0	0.54	TT	3.6	TT	TT
"	5.0	0.12	TT	3.5	TT	TT
"	5.0	0.06	0.2	4.0	TT	TT
"	5.0	0.06	TT	3.1	TT	TT
"	5.0	0.10	TT	3.0	TT	TT
"	5.0	0.08	0.2	3.7	TT	TT
"	5.0	0.10	0.4	4.0	TT	TT
"	5.0	0.10	0.2	3.1	TT	TT
"	5.0	TT	0.2	2.5	TT	TT
"	5.0	0.12	TT	3.5	TT	TT
"	5.0	0.08	0.5	3.9	TT	0.5
9-18-25	5.0	0.08	0.5	3.9	TT	0.5



Date	Width Feet	Cu%	Ag Oz	Fe%	Zn%	Pb%
9-14-25	5.0	0.04	0.5	3.6	TT	TT
"	5.0	0.06	0.2	3.7	TT	TT
"	5.0	0.06	0.3	4.2	TT	TT
"	5.0	0.10	0.5	3.5	TT	TT
"	5.0	0.12	TT	3.1	TT	TT
"	5.0	0.08	TT	2.4	TT	TT
"	5.0	0.10	0.5	3.8	TT	1.0
"	5.0	0.10	0.9	3.6	TT	TT
9-14-25	5.0	0.10	0.6	2.9	TT	TT
9-15-25	5.0	2.74	5.9	7.6	7.5	2.4
"	5.0	0.14	0.8	4.1	2.0	TT
"	5.0	0.10	1.0	4.2	1.0	2.3
"	5.0	0.10	1.4	3.5	4.7	0.6
"	5.0	0.06	0.5	4.6	1.3	0.6
"	5.0	0.20	0.5	4.3	TT	TT
"	5.0	0.04	0.7	3.4	TT	TT
"	5.0	0.40	2.0	4.2	TT	TT
"	5.0	0.10	0.5	4.5	TT	TT
"	5.0	0.10	1.6	4.3	TT	TT
"	5.0	0.02	TT	3.6	TT	TT
"	5.0	0.12	TT	3.6	TT	TT
"	5.0	0.28	1.2	3.5	2.5	TT
"	5.0	0.28	1.2	3.6	1.9	TT
"	5.0	0.44	1.9	3.6	TT	TT
"	5.0	0.10	TT	3.4	TT	TT
"	5.0	0.12	TT	3.6	TT	TT
"	5.0	0.06	0.5	3.3	TT	TT
"	5.0	0.10	0.5	3.5	7.0	TT
"	5.0	0.22	0.2	3.5	TT	TT
"	5.0	0.12	TT	4.3	TT	TT
"	5.0	0.06	0.4	3.5	TT	TT
"	5.0	0.30	0.7	3.3	TT	TT
"	5.0	0.24	TT	3.8	TT	TT
"	5.0	0.24	TT	3.8	TT	TT
"	5.0	0.20	TT	3.1	3.8	0.5
"	5.0	0.24	1.9	3.6	TT	TT
"	5.0	0.26	3.2	3.6	TT	TT
"	5.0	0.14	TT	4.0	TT	TT
"	5.0	0.18	TT	3.9	TT	TT
9-15-25	5.0	0.20	0.1	3.3	TT	TT
"	5.0	0.06	0.1	3.7	0.5	TT
9-18-25	5.0	0.08	0.2	4.7	TT	TT
"	5.0	0.06	TT	3.9	TT	TT
"	5.0	0.06	TT	3.1	TT	TT
"	5.0	0.06	TT	2.5	TT	TT
"	5.0	0.08	0.2	3.5	TT	TT
"	5.0	0.12	TT	3.4	TT	TT
"	5.0	0.12	TT	2.5	TT	TT
"	5.0	0.06	TT	3.3	2.1	TT
"	5.0	0.08	0.4	4.0	TT	TT
"	5.0	0.10	0.2	4.2	TT	TT
"	5.0	0.06	TT	4.3	TT	0.8
"	5.0	0.08	0.2	3.5	TT	0.6
"	5.0	0.08	0.1	3.2	TT	TT
"	5.0	0.08	1.3	4.4	TT	TT
9-18-25	5.0	TT	0.2	TT	TT	TT

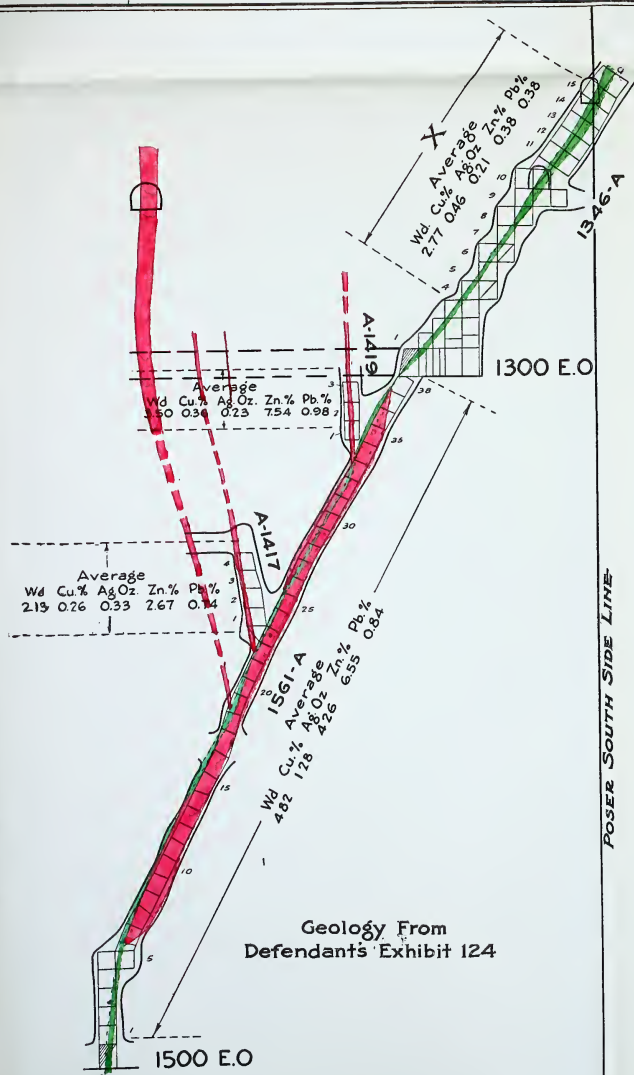
Sept.

No 740 ELM ORLU POSER.

Scale 1"=40

CROSS SECTIONS
THRU
1561-A RAISE AND
LOWER PART OF 1346-A RAISE

Scale In Feet



POSER SOUTH SIDE LINE-

POSER SOUTH SIDE LINE

	Date	Width Feet	Cu %	Ag Oz	Fe %	Zn %	Pb %
Oct	10-1-26	3.0	0.40	0.6	5.8	10.0	1.7
	"	4.0	0.20	7.	6.3	3.6	0.2
	"	4.0	0.32	0.4	5.5	7.6	1.9
	"	3.0	0.54	7.	5.1	5.4	1.0
	"	3.5	0.40	0.2	4.3	11.7	0.2

	Date	Width Feet	Cu. %	Ag Oz	Fe %	Zn %	Pb %
Sept.	9-10-76	3.5	0.30	0.8	5.8	1.6	0.3
	"	2.5	0.32	77	6.2	3.0	0.6
	"	2.0	0.20	77	5.8	2.0	1.1
	"	2.0	0.20	77	5.6	2.3	1.0
	"	1.6	0.24	0.5	7.2	4.6	0.7
	"	1.3	0.70	0.5	7.8	4.6	1.3

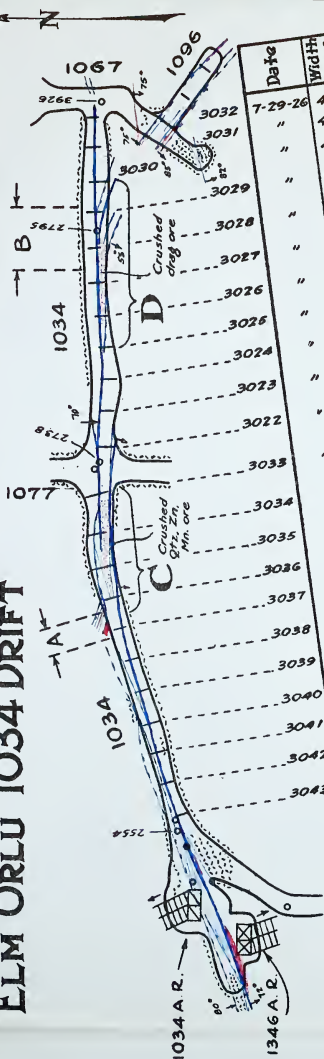
Date	Wavelength Feet	Cu %	Pb %	Fe %	Zn %	Pb %
7-26-26	3.5	0.12	0.3	3.2	Tr.	
"	2.0	0.40	Tr.	2.5	Tr.	0.5
"	2.0	0.32	Tr.	4.3	Tr.	
"	2.0	0.24	Tr.	4.8	Tr.	Tr.
"	2.3	0.18	Tr.	3.7	Tr.	
"	2.6	0.30	Tr.	3.2	Tr.	0.5
"	2.5	0.36	Tr.	4.6	Tr.	Tr.
"	2.3	0.32	Tr.	4.6	Tr.	0.2
"	2.5	0.70	0.5	6.7	Tr.	0.5
"	2.8	0.78	0.5	5.9	Tr.	0.6
"	3.0	0.54	Tr.	5.0	0.5	1.9
"	3.5	0.12	Tr.	5.8	0.9	0.8
7-26-26	5.0	1.14	0.8	10.8	0.4	0.3

Date	Mean Temp (°C)	W m	U m/s	Fe m	Ta m	W m
7-21-58	55.196	16	7.7	7.2	13	13
	57.336	16	7.2	6.6	13	13
	50.150	17	6.7	5.0	13	13
	47.000	10	5.0	4.3	24	24
	45.304	22	10.6	7.1	01	01
	55.304	32	19.4	15.1	01	01
	55.200	24	7.3	7.1	01	01
	55.174	39	35.8	35.8	01	01
	55.334	21	18.2	15.7	01	01
	55.334	21	18.2	15.7	01	01
	50.264	16	10.8	13	13	13
	55.334	30	9.9	18	18	18
	50.120	14	10.8	7.2	7.1	7.1
	50.100	12	7.1	7.5	25.1	25.1
	50.098	14	6.2	4.6	24	24
	50.120	13	6.2	4.8	24	24
	50.014	7.1	5.1	1.7	7.1	7.1
	50.016	7.1	4.2	0.9	0.9	0.9
	50.024	0.7	5.3	1.3	7.6	7.6
	50.020	7.1	4.0	1.3	7.1	7.1
7-21-58	50.020	7.1	6.4	3.6	3.6	3.6
7-21-58	50.032	10	5.6	2.3	1.3	1.3
	50.026	10	4.6	3.3	0.1	0.1
	50.028	5.8	3.3	15.8	2.1	2.1
	50.040	15.0	3.7	21.6	1.9	1.9
	50.022	49.5	2.9	3.8	1.7	1.7
	50.020	5.6	4.0	19.9	2.0	2.0
	50.032	5.6	4.5	23.3	4.4	4.4
	47.034	7.0	34.2	22.2	0.1	0.1
	50.064	6.3	4.0	15.8	7.1	7.1
	45.052	5.2	3.9	9.7	0.2	0.2
	40.216	10.0	10.5	6.8	0.2	0.2
	30.083	3.7	6.6	5.2	0.2	0.2
	27.054	2.4	6.2	6.0	0.2	0.2
	23.030	7.5	5.3	3.2	0.7	0.7
	30.032	7.1	5.4	7.1	0.7	0.7
7-22-58	50.024	10	4.5	2.5	2.5	2.5

Assays From
Plaintiffs Exhibit 59

DIAGRAM W

ELM ORLU 1034 DRIFT



Date	Width Feet	Cu %	Ag. Oz.	Fe %	Zn %	Pb %
7-29-26	4.5	0.06	Tr.	7.0	Tr.	0.4
"	4.3	0.14	0.5	4.6	Tr.	0.7
"	4.5	0.10	0.8	3.6	2.8	1.1
"	4.3	0.08	0.5	5.7	Tr.	0.6
"	3.8	0.12	1.2	4.2	0.5	0.8
"	5.0	0.36	1.9	4.3	5.0	1.0
"	3.5	0.14	0.3	4.0	2.4	0.8
"	3.5	0.14	1.2	4.1	1.2	0.7
"	4.0	0.16	1.2	4.0	2.2	1.1
"	4.0	0.10	0.3	4.2	0.6	0.6
"	4.0	0.08	Tr.	3.9	Tr.	0.3
"	7.0	0.24	1.3	25.4	4.0	1.0
"	6.0	0.10	2.4	20.2	5.4	1.2
"	6.5	0.10	4.5	3.6	2.9	1.0
"	6.5	0.04	Tr.	3.7	1.3	0.7
"	6.0	0.08	0.9	4.5	0.7	1.1
"	5.5	0.04	0.8	5.4	1.0	0.5
"	5.0	0.02	Tr.	3.7	0.7	0.6
"	5.5	0.04	Tr.	4.2	Tr.	0.3
7-29-26	6.0	0.36	1.0	4.4	Tr.	1.0
7-30-26	4.6	0.30	0.6	3.7	1.5	1.1
"	3.5	0.50	Tr.	3.0	Tr.	0.6
7-30-26	3.5	0.50	Tr.	3.0	Tr.	0.6

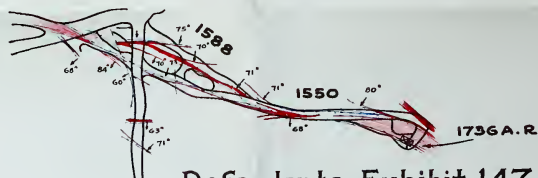
GEOLOGY
Sale's Notes
Plaintiffs' Exhibit 126

ASSAYS
Plaintiffs' Exhibit 59

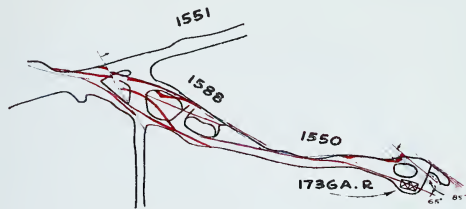
Scale In Feet
20 10 0 20 40



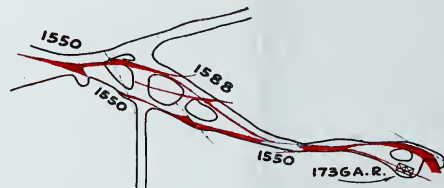
Defendants Exhibit 37
Roddewig's Notes Case In Chief



Defendants Exhibit 147
Simkins Notes



Defendants Exhibit 167
Roddewig's Notes Rebuttal

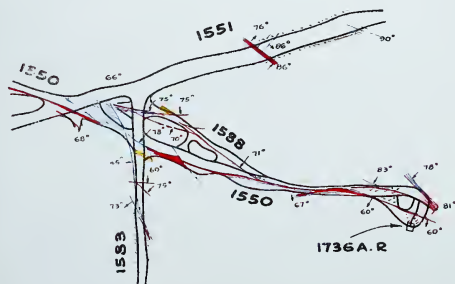


Plaintiffs Brief (Trial)
Diagram No. 3



Scale In Feet

20 0 20 40 60 80 100



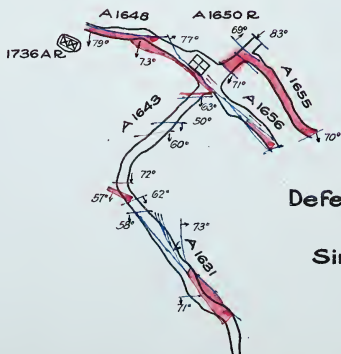
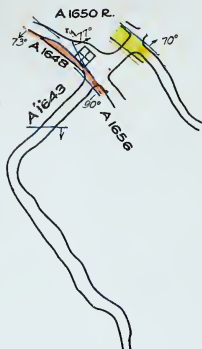
Plaintiffs Exhibit 152
Mead's Notes



Plaintiffs Exhibit 85
Introduced by Lawson

EXHIBITS AND DIAGRAM SHOWING
PLAINTIFF'S WITNESSE'S NOTES, ETC..
AT EAST END OF 1550 DR. ELM ORLU

BADGER 1600
From Plaintiffs
Exhibit 19



Defendants Exhibit
146
Simkin's Notes

Scale in Feet
 20 0 20 40 60 80 100

